

SETTLEMENT AGREEMENT

This agreement is made and entered into between the Executive Branch Ethics Commission (hereinafter the "Commission") and Roger W. Tomes.

WHEREAS, this agreement involves the matter styled *Executive Branch Ethics Commission v. Roger W. Tomes*, Agency Case No. 08-016, Administrative Action No. 08-EBEC-0337;

WHEREAS, the Commission is designated by statute as the agency responsible for enforcing the Executive Branch Code of Ethics, KRS Chapter 11A;

WHEREAS, on September 26, 2008, the Commission alleged facts in an Initiating Order that Roger W. Tomes violated the Executive Branch Code of Ethics at KRS 11A.020(1)(c);

WHEREAS, Roger W. Tomes was at all relevant times mentioned in the Initiating Order a "public servant" as defined in KRS 11A.010(9), and thus subject to the Executive Branch Code of Ethics; and

WHEREAS, Roger W. Tomes indicates his desire to resolve all issues in this action by the execution of a Settlement Agreement.

NOW, THEREFORE, in settlement of the above allegations, the Commission and Roger W. Tomes agree, pursuant to KRS 11A.100, as follows:

1. Roger W. Tomes admits that he committed a violation of the Executive Branch Code of Ethics at KRS 11A.020(1)(c), as stated in Appendix A of the Commission's Initiating Order of September 26, 2008, attached hereto and incorporated by reference herein.

2. Roger W. Tomes agrees to pay the Commission a civil penalty of one thousand dollars (\$1,000.00) within seven (7) days of the execution of this Settlement Agreement.

3. Roger W. Tomes agrees that upon the Commission entering the Agreed Final Order in the above referenced matters that he waives all rights to any further administrative process or appeal pursuant to KRS 13B.140 thereon.

4. The parties further agree that the acceptance of this Settlement Agreement by both parties, and the fulfillment of its express terms, is in full accord and satisfaction of the herein referenced *Executive Branch Ethics Commission v. Roger W. Tomes*, Agency Case No. 08-0337, Administrative Action No. 08-EBEC-016.

5. This Settlement Agreement constitutes a public reprimand to Roger W. Tomes, a copy of which will be provided to his former appointing authority pursuant to KRS 11A.100(3)(c).


IN WITNESS THEREOF, the parties have caused this agreement to be executed:



Roger W. Tomes

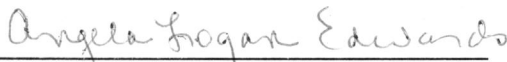
12-9-11
Date

EXECUTIVE BRANCH ETHICS COMMISSION:




Chair, Ronald L. Green

1/30/12
Date



Vice-Chair, Angela Edwards

1/30/12
Date




Member, W. David Denton

1/30/12
Date



Member, William Knopf

1-30-12
Date



Member, William Francis

1-30-12
Date

**APPENDIX A
CASE NO. 08-016
INITIATING ORDER**

ALLEGATION OF VIOLATION

The Respondent, Roger W. Tomes ("Tomes"), is an employee of the Commonwealth of Kentucky, serving as the Grayson County Property Valuation Administrator within the Revenue Cabinet. The Respondent was subject to the jurisdiction of the Commission at all relevant times. KRS 11A.010(9)(h).

During the course of its preliminary investigation, the Commission found probable cause to believe that Tomes committed the following violations:

COUNT I

Tomes violated KRS 11A.020(1)(c) by using his official position or office to obtain financial gain for a member of his family when he hired his son to work for him in the Grayson County PVA office.

KRS 11A.020(1)(c) provides:

(1) No public servant, by himself or through others, shall knowingly:

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

....

(End of document)